

PSJ2 Exh 109

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION MDL No. 2804
OPIATE LITIGATION Case No. 17-md-2804

This document relates to: Judge Dan
Aaron Polster

The County of Cuyahoga v. Purdue
Pharma, L.P., et al.
Case No. 17-OP-45005
City of Cleveland, Ohio vs. Purdue
Pharma, L.P., et al.
Case No. 18-OP-45132
The County of Summit, Ohio,
et al. v. Purdue Pharma, L.P.,
et al.
Case No. 18-OP-45090

Videotaped Deposition of Thomas Gilson, M.D.

Cleveland, Ohio

January 22, 2019

9:13 a.m.

Reported by: Bonnie L. Russo
Job No. 3196188

1 in million or hundred of millions of dollars
2 into this community, and then people are dying,
3 right?

4 We can agree on that.

5 MR. BADALA: Objection to form.

6 BY MR. CHEFFO:

7 Q. Can we?

8 A. Everybody reasonable would agree
9 with that I think.

10 Q. Right.

11 And so what I'm just trying to find
12 out is you've told us in some way -- and in
13 some way it's removed, right -- to conduct and
14 -- and people having addiction and introducing
15 others.

16 And I just want to understand what
17 -- what percentage and how culpable.

18 And -- and if you can't give me
19 percentages, are the drug cartels more culpable
20 than a distributor or manufacturer?

21 MR. BADALA: Objection to form.

22 THE WITNESS: I -- I can't give you
23 percentages. I feel the crisis, as we looked
24 retrospectively, falls back to the defendants.
25 And the drug cartels are part of the sequence

1 of events, if you will. But the crisis is
2 started with the distributors and --

3 BY MR. CHEFFO:

4 Q. Would we have a crisis --

5 A. -- the manufacturers.

6 Q. -- if we didn't have drug cartels?

7 MR. BADALA: Objection to form.

8 BY MR. CHEFFO:

9 Q. Where -- where is the illicit heroin
10 and fentanyl coming from, Doctor?

11 A. This --

12 MR. BADALA: Which question are you
13 asking? You just asked two questions.

14 MR. CHEFFO: That's okay.

15 MR. BADALA: Okay. Objection to
16 form.

17 THE WITNESS: Which one would you
18 like me to answer, sir?

19 BY MR. CHEFFO:

20 Q. Where is it coming from?

21 MR. BADALA: Objection to form.

22 THE WITNESS: Based on my
23 discussions with law enforcement, a lot of the
24 heroin that entered the county came from
25 Mexico. A lot of fentanyl was manufactured in

1 You would agree with me that, of
2 those four categories, they have some
3 culpability, but you can't quantify it, right?

4 MR. BADALA: Objection to form.

5 THE WITNESS: They're a part of this
6 process of an opioid crisis. But again, you
7 know, overprescribing, overdistributing in this
8 area creates that crisis. And they are, you
9 know, degrees of separation away from that
10 process. But ultimately it's that process that
11 I think sets us in to this result.

12 BY MR. CHEFFO:

13 Q. You -- let me ask you.

14 Has any expert ever told you that
15 that's the case that, there is a kind of -- and
16 everything that happens today with a drug
17 cartel or a street dealer or a criminal doctor
18 somehow is related to something that happened
19 with the defendants in this lawsuit?

20 Have you heard an expert tell you
21 that?

22 MR. BADALA: Objection to form.

23 THE WITNESS: I've had discussions
24 with a lot of people. And I think there's a
25 consensus that, when we talk about the opioid

1 crisis, the genesis is back with the -- looking
2 retrospectively, is back at the prescribing and
3 distribution practices of the defendants; and
4 that these cartels and things, when I discuss
5 them with law enforcement, you know, is a
6 population again that we're kind of seeing
7 addicted to opioids and changing substances.

8 But if I understood your question
9 correctly, the interpretation would be that the
10 crisis, as we understand it, starts back with
11 prescribing and distribution and evolves into
12 other more criminal activities.

13 BY MR. CHEFFO:

14 Q. Do -- do -- do pharmaceuticals
15 companies prescribe anything?

16 You said that three times.

17 Do -- do -- are you aware of whether
18 pharmaceutical companies, as a doctor,
19 prescribe medicines; or is that something
20 doctors do?

21 A. Doctors do. But there --

22 Q. Right.

23 A. -- were influences of the prescribe
24 -- of the manufacturers --

25 Q. So --

1 A. -- on those prescribing practices.

2 Q. -- if somebody comes out of medical
3 school and never saw a pharmaceutical rep today
4 and improperly and illegally prescribes
5 opioids, it's your testimony under oath that
6 that somehow is related to the defendant of
7 this -- the defendant's conduct; is that right?

8 MR. BADALA: Objection to form.

9 THE WITNESS: No. I wouldn't say
10 that.

11 BY MR. CHEFFO:

12 Q. Okay. So -- so if that person wrote
13 the prescriptions, and they had never had any
14 influence from any pharmaceutical company or
15 any distributor, you would agree with me that
16 none of their conduct or none of those
17 prescriptions have anything to do with the
18 defendants, right?

19 MR. BADALA: Objection to form.

20 THE WITNESS: I'm trying to follow
21 you. If someone comes out of medical school --

22 BY MR. CHEFFO:

23 Q. Uh-huh. And -- and writes
24 prescriptions --

25 A. Writes a prescription for --